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Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: WC Docket Nos. 16-143, 15-247, 05-25, RM-10593

Dear Ms. Dortch:

On October 18, 2016, Joan Marsh, Frank Simone, Gary Phillips and the undersigned, all of AT&T, met with Claude Aiken, Legal Advisor to Commissioner Mignon Clyburn. We discussed AT&T's position on Chairman Wheeler's recent Fact Sheet on the Business Data Services ("BDS") proceeding,¹ and indicated that AT&T agrees that the Commission should continue to forbear from applying most Title II regulation to all packet-based BDS. However, AT&T disagrees with the other conclusions indicated by the Fact Sheet. The record does not support findings that legacy TDM services should be rate regulated in all markets; that proper calculation of an X-factor would result in an 11% price cap adjustment or 3% X-factor; or that new presumptions and heightened scrutiny on ILEC Ethernet services during the Section 208 complaint process are justified.

Pursuant to section 1.1206 of the Commission's rules, this ex parte notification is being filed electronically for inclusion in the record of the above-referenced proceeding. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,
/s/ Caroline Van Wie

cc: Claude Aiken

¹ FCC, Fact Sheet, Chairman Wheeler's Proposal To Promote Fairness, Competition, And Investment In The Business Data Services Market (Oct. 7, 2016).